

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PETER J. SMITH,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:25-cv-00286-RAH
)	
CITY OF MONTGOMERY,)	
ALABAMA,)	
)	
Defendant.)	

ORDER

On May 29, 2025, the assigned Magistrate Judge issued a Recommendation (doc. 9) that this matter be dismissed without prejudice for Plaintiff's failure to file an amended complaint as previously ordered and because his original complaint, which continues to govern due to Plaintiff's failure to file an amended complaint, fails to state a plausible claim upon which relief can be granted.

On June 2, 2025, Plaintiff filed a Notice of Objection (doc. 10). In it, Plaintiff simply states that the amount in question exceeds \$20 and that there are allegations of Plaintiff's civil rights being violated. Plaintiff provides no substantive discussion or argument directed to the Recommendation.

When a party objects to a Magistrate Judge's Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). The district court "may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. ex rel.*

Ernest S. v. State Bd. of Educ., 896 F.2d 507, 513 (11th Cir. 1990). *See also United States v. Opie*, 347 F. App'x 495, 499 n.1 (11th Cir. 2009). However, objections to the Magistrate Judge's Report and Recommendation must be sufficiently specific to warrant *de novo* review. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 783–85 (11th Cir. 2006). Otherwise, a Report and Recommendation is reviewed for clear error. *Id.*

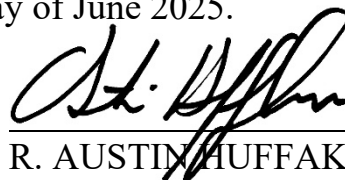
In Plaintiff's objection, he does not satisfactorily address the Magistrate Judge's Recommendation, or the specific reasons that the Magistrate Judge has recommended dismissal of the case. Simply stating that "there are allegations of plaintiff's civil rights being violated" is insufficient. Plaintiff regularly files lawsuits in this Court and has been repeatedly instructed on what is needed to file a legally sufficient complaint. Plaintiff has also been repeatedly instructed on the repercussions for failing to file legally sufficient complaints and in failing to comply with directives from the Court that an amended complaint be filed. As such, it should come as no surprise that the Magistrate Judge has recommended dismissal of this case. All told, the Court finds no error with the Recommendation of the Magistrate Judge.

Accordingly, upon an independent and *de novo* review of the record, it is **ORDERED** as follows:

1. Plaintiff's Notice of Objection (doc. 10) is **OVERRULED**;
2. The Recommendation (doc. 9) is **ADOPTED**; and,
3. This lawsuit is **DISMISSED without prejudice**.

A separate Final Judgment will issue.

DONE, on this the 9th day of June 2025.



R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE